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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Amy L. Sherwood

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28970

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09/23/2004

SHAW PITTMAN

IP GROUP

1650 TYSONS BOULEVARD

SUITE 1300

MCLEAN, VA 22102

EXAMINER

FOSTER, ROLAND G

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/028,275	SHERWOOD, AMY L.	
	Examiner	Art Unit	
	Roland G. Foster	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 8-11, 13-16, 19-22, 24-27, 30-33, 35-38, 41-44, 47-50, and 53-56 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,085,101 to Jain et al. (hereinafter "Jain").

With respect to claims 1 and 13, Jain clearly discloses recording a message, inputting an access code (i.e., telephone number), and indicating a delivery time to the communication medium of the recipient (abstract, cols. 7 and 8).¹

Claim 24 differs substantively from claims 1 and 13 in that claim 24 recites sending the message to the communication medium of "oneself" rather than to the recipient. However, the caller's communication medium is a telephone, which is the same as the destination medium. Therefore, the message is sent to the communication medium of oneself.

¹ Interpreting an "access code" as a telephone number is consistent with applicant's claim structure (e.g., see claims 8 and 9).

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Claims 35 and 47 differ substantively from claims 1 and 13 in that claims 35 and 47 recite a system comprising means that perform functions equivalent to the method steps of claims 1 and 13. Therefore, see the claims 1 and 13 rejections for additional details. Further, see Fig. 3, which illustrates various means to perform the disclosed functions.

With respect to claims 2, 14, 15, 25, 26, 36, 37, 48, and 49, the distribution lists require input of a plurality of access codes (addresses) in a variety of communication media having unique access codes (addresses) such as e-mail addresses or telephone numbers (col. 8, lines 29-35).

With respect to claims 3, 16, 27, 38, and 50, see col. 7, lines 45-67.

With respect to claims 8, 9, 19, 20, 30, 31, 41, 42, 53, 54, see the claim 35 rejection for further details.

With respect to claims 10, 11, 21, 22, 32, 33, 43, 44, 55, and 56, the telephone number corresponds to the user's voice mailbox number when the user subscribes to a universal number service such as PCS (col. 14, lines 27-34).

Claims 1-9, 13-20, 24-31, 35-42, 46-54, and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,260,986 to Pershan et al. (hereinafter "Pershan").

With respect to claims 1 and 13, Pershan clearly discloses recording a message, inputting an access code (i.e., telephone number), and indicating a delivery time to the communication medium of the recipient (Figs. 2-4B).²

Claim 24 differs substantively from claims 1 and 13 in that claim 24 recites sending the message to the communication medium of "oneself" rather than to the recipient. However, the caller's communication medium is a telephone, which is the same as the destination medium. Therefore, the message is sent to the communication medium of oneself. Further, the coordinator of the message distribution list is part of the organization (col. 6, lines 25-30) and sends the message to a group comprising the "whole organization" (col. 7, line 58 – col. 8, line 10), which includes the coordinator (i.e., to oneself). Otherwise the group would not comprise the whole organization contrary to the disclosure of Pershan.

Claims 35 and 47 differ substantively from claims 1 and 13 in that claims 35 and 47 recite a system comprising means that perform functions equivalent to the method steps of claims 1 and 13. Therefore, see the claims 1 and 13 rejections for additional details. Further, see Fig. 1, which illustrates various means to perform the disclosed functions.

With respect to claims 4, 17, 28, 39, 51, the user indicates whether the message should only be delivered directly to the recipient by not specifying additional telephone numbers or

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pager numbers, which may be for "second or third person[s]" that could receive the message and indirectly relay the message to the original recipient (col. 7, lines 18-30).

With respect to claims 2, 3, 15-16, 25-27, 36-38, and 48-50, Pershan discloses inputting a plurality of access codes corresponding to all different media in a call list (e.g., telephone and pager) and different delivery times for the call lists (Fig. 2). Thus, each of the delivery times corresponds to each plurality of media.

With respect to claims 5-9, 18-20, 29-31, 40-42, 52-54, see Fig. 2, steps 84 and 86.

With respect to claims 46 and 58, see the claim 24 rejection for further details.

Claims 1, 12, 13, 23, 24, 34, 35, 45, 47, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,333,180 to Brown et al. (hereinafter "Brown").

With respect to claims 1 and 13, Brown clearly discloses recording a message, inputting an access code (i.e., telephone number), and indicating a delivery time to the communication medium of the recipient (Fig. 2, steps 216, 222 and Fig. 4).³

² Interpreting an "access code" as a telephone number is consistent with applicant's claim structure (e.g., see claims 8 and 9).

³ Interpreting an "access code" as a telephone number is consistent with applicant's claim structure (e.g., see claims 8 and 9).

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Claim 24 differs substantively from claims 1 and 13 in that claim 24 recites sending the message to the communication medium of "oneself" rather than to the recipient. However, the caller's communication medium is a telephone, which is the same as the destination medium. Therefore, the message is sent to the communication medium of oneself.

Claims 35 and 47 differ substantively from claims 1 and 13 in that claims 35 and 47 recite a system comprising means that perform functions equivalent to the method steps of claims 1 and 13. Therefore, see the claims 1 and 13 rejections for additional details. Further, see Fig. 1, which illustrates various means to perform the disclosed functions.

With respect to claims 12, 23, 34, 45, and 57, see col. 10, lines 39-44.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9309.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.



Roland G. Foster
Primary Patent Examiner
September 20, 2004